

**EAST CONTRA COSTA COUNTY  
HABITAT CONSERVATION PLAN ASSOCIATION (HCPA)  
EXECUTIVE GOVERNING COMMITTEE**

**REGULAR MEETING**

Date: Thursday, April 8, 2004

Time: 5:30 p.m. to 7:00 p.m.

Location: City of Pittsburg Council Chambers  
65 Civic Drive, Pittsburg

**Agenda**

- 1) Introduce Executive Governing Committee (“EGC”) members, staff, and any members of the public.
- 2) Public Comment.
- 3) Approve Meeting Report for January 22, 2004.
- 4) Updates and status reports:
  - a) General (John Kopchik, HCPA staff, and David Zippin, Jones and Stokes Associates)
    - Work of consultants and products
    - Wetlands
    - EIR/EIS
    - Implementation Agreement
    - Schedule
  - b) Public Outreach and Involvement Program, including:
    - Web-site
    - HCPA Coordination Group
    - Additional meetings attended and outreach performed
    - Plans for other public meetings and workshops
  - c) Completion of the Science Advisory Panel program and Final Report (Dr. Erica Fleishman, Science Advisory Panel Facilitator)
  - d) State and federal resource agency perspectives
- 5) Consider amending contract with Jones and Stokes to increase overall contract limit from \$705,400 to \$942,000, consistent with the approved HCPA Budget. Authorize staff to increase the interim payment limit for the Jones and Stokes contract from \$705,400 to \$800,000 as sufficient funds are deposited in the HCPA account.

- 6) Authorize staff to sign Statement of Responsibilities Regarding Preparation of Joint EIR/EIS for the East Contra Costa County HCP / NCCP, a document the U.S. Fish and Wildlife Service requires be signed to specify procedures for joint preparation of the environmental document.
- 7) Policy discussion:
- Overview of the array of major products that will come out of the HCPA planning process.
    - a) HCP / NCCP
    - b) EIR / EIS
    - c) Implementing Agreement
    - d) Implementing Ordinances template
    - e) Joint Powers Authority Agreement for Implementing Entity
    - f) Draft Regional Wetlands Permit Program document
  - Decision-making process and draft schedule
  - Update on options for tiering the HCP/NCCP fees
  - Proposed countywide open space funding measure and relationship to HCP/NCCP
- 8) Administrative matters:
- Ratify invoices submitted by Jones and Stokes, Contra Costa County, Resources Law Group, and Erica Fleishman and paid by the HCPA Treasurer.
- 9) Review future Executive Governing Committee discussion items.
- 10) Select Next Meeting Dates
- Alternative recommended dates for next meeting:
    - Thursday, June 10, 2004 (2<sup>nd</sup> Thursday)
    - Thursday, June 17, 2004 (3<sup>rd</sup> Thursday)
    - Thursday, June 24, 2004 (4<sup>th</sup> Thursday)
    - Thursday, July 15, 2004 (3<sup>rd</sup> Thursday)
    - Thursday, July 22, 2004 (4<sup>th</sup> Thursday)
- 11) Adjourn by 7:00 p.m.

*If you have questions about this agenda or desire additional meeting materials, you may contact  
John Kopchik of the Contra Costa County Community Development Department  
at 925-335-1227.*

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**EAST CONTRA COSTA COUNTY  
HABITAT CONSERVATION PLAN ASSOCIATION  
Executive Governing Committee  
Draft Meeting Report  
January 22, 2004**

The East County Habitat Conservation Plan Association (HCPA) Executive Governing Committee (EGC) met on Thursday, January 22, 2004, 5:30 p.m. in the City of Pittsburg City Council Chambers. In attendance were EGC Representatives from Contra Costa County (Supervisor Millie Greenberg) City of Clayton (Council member Greg Manning), City of Oakley (Council member Jeff Huffaker), City of Pittsburg (Council member Michael Kee), Contra Costa Water District (Vice President Elizabeth Anello), East Bay Regional Park District (Director Ted Radke). Director Boatman (CCWD alternate) also was in attendance.

The following is a review of the actions taken in accordance with the meeting agenda.

**1. Introductions**

Council member Kee introduced himself as Pittsburg's representative on the EGC.

**2. Public Comment**

The EGC requested at the previous meeting that Agency Staff invite members of the Coordination Group to express any views they might have about the development of the HCP/NCCP. The following statements were made by Coordination members under public comment.

Jim Gwerder of Contra Costa County Citizens Land Alliance – Mr. Gwerder raised the following concerns:

- 1) What will an HCP do to property values - the economic analysis needs to be done carefully to make funds are adequate to acquire needed lands.
- 2) Number of property owners affected makes this HCP unique, need to make sure all affected are informed and have an opportunity to provide input during the process, preferably through a mailed notification to all rural property owners.

Mr. Gwerder's group has more than twenty specific comments on the HCP document that will need to be addressed. Overall, Mr. Gwerder felt the plan is going in a positive direction but still sees a lot of uncertainty.

Dick Vermeer of California Native Plants Society – Mr. Vermeer stated that the process is interesting and refreshing. This is the first time he has seen this type of effort being done in this manner and appreciates the way its getting done. Mr. Vermeer appreciated that their comments are being taken into consideration. He said that potential issues he sees include:

- 1) How will the urban limit line (ULL) issue affect the HCP/NCCP? Mr. Vermeer's group is not taking a position on the ULL right now and he is unsure that the flexibility built into the plan will sufficiently address this issue.

- 2) Management of the HCP should be adaptive as proposed, but Mr. Vermeer cautioned that careful attention needs to be paid to hiring managers that can implement an adaptive approach.
- 3) Mr. Vermeer warned that the science available to us is very limited. The focus on habitats in the HCP to promote species may not work. Many have found that if you build it, the species do not necessarily come.

Paul Campos of the Home Builders Association – Mr. Campos said that this has been a positive, productive process. He said the Home Builders issues were as follows:

- 1) Streamlining and certainty is needed. The HCP needs to provide a standard permitting and surveying process that avoids project-by-project special requirements.
- 2) The level of developer fees needs to be fair and equitable. The Home Builders currently support the “fair share” method of allocating cost.
- 3) The permit area and scope of the plan needs to be flexible. The Home Builders are supportive of how the HCP/NCCP addresses the ULL issue.
- 4) If the “stay ahead” provisions are not met, development should be allowed to receive permits on an individual basis. The “no surprises” assurances should apply to third parties too.

All were very complimentary of the process and of the Consultant (Jones and Stokes).

### **3. Approve Meeting Report of October 23, 2003**

The meeting report was unanimously approved as presented (3-0) with 2 abstentions, Council members Manning and Kee. Mr. Kopchik apologized for the late delivery of the meeting packets. The Martin Luther King holiday created an unanticipated delay in the packet mailing.

### **4. Updates and Status Reports**

#### **a) General (John Kopchik, HCPA Staff)**

- **Work of Consultants and Products** – Mr. Kopchik stated that the consultant team efforts have shifted to completing the Draft EIR/S, Draft HCP/NCCP, and the Draft Implementation Agreement by Spring 2004. The schedule going forward will depend on timely review by the USFWS and CDFG. Mr. Zippin reported that the consultant team is on schedule and is working within budget. Of the \$705,400 original contract amount, \$558,118 has been spent. If full funding for the project becomes available, the total contract will need to be amended to about \$940,000.

- **Wetlands** – Mr. Kopchik indicated that the 6-agency group has had some success working with the Army Corps of Engineers (ACOE) in resolving how an HCP can provide for a wetlands permit. He said a group has been working with the ACOE to develop a framework of how an HCP can feed into their process and facilitate a streamlined approach for the wetlands permit. The product will be a white paper outlining the issues. It is uncertain what can be done beyond the white paper. The white paper is expected to be complete next month. The group will continue meeting.
- **Schedule** – This item was covered under discussion about consultant work products.

**b) Updates on Public Outreach and Involvement Program**

- **Web-site** – (<http://www.cocohcp.org/index.html>).
- **HCPA Coordination Group** – The Coordination Group continues to meet regularly and is providing input on the plan.
- **Science Advisory Panel** – The last Science Panel meeting was on December 9, 2003. The Science Panel will be issuing two reports soon; one addressing the findings from the December 9 meeting and the other summarizing outcomes of their four meetings.
- **Plans for other Public Meetings and Workshops** – There was nothing new to report under this routine agenda item.

- c) **State and Federal Resource Agency Perspectives** – Carl Wilcox of the California Department of Fish & Game (CDFG) said that the HCP continues to be going very well from his perspective. Ms. Larsen of the United States Fish and Wildlife Service (USFWS) stated that resources are tight at the USFWS and she asked that the HCPA be patient with USFWS and expect some delays in their review of the documents.

**5. HCPA Budget Discussion**

- a) **Review of HCPA Finances Relative to HCPA Budget Approved by EGC in October 2003** – Mr. Kopchik reported that the HCP cash flow is getting tight but this was expected. Mr. Kopchik has billed for Section 6 grant money that is due and when received should provide enough cash to keep the project moving until August. Some new sources of funds are being explored such as a \$300K Section 6 request through California Department of Fish and Game and the U.S. Fish and Wildlife Service, however these funds could take a while to get and could slow the project down. There are enough funds to get the draft HCP/NCCP, Draft EIR/S and Draft Implementation Agreement out for public review in May 2004.
- b) **Authorize Staff to Increase Interim Payment Limit for Jones and Stokes Contract and Direct Staff to Prepare Contract Amendment** – Mr. Kopchik reported that

administrative procedures of the HCPA provide multiple levels of control on expenditures. The items on the agenda involving adjustment in interim payment limits and expenditure limits provide Agency Staff the flexibility needed to keep the project moving without having to wait for the next EGC meeting to get approval. Work is only authorized as funds become available. The EGC unanimously approved this item (5-0).

- c) **Authorize Staff to Increase the Interim Payment Limit for the Resources Law Group Contract from \$25,000 to \$40,000** – The EGC unanimously approved this item (5-0).

- d) **Remove Expenditure Limit of \$35,000 that had been set on the NCCP Upgrade Task and Authorize this Task to be Performed in Full, Consistent with the Contract Payment Limits as Funding becomes available --** The EGC unanimously approved this item (5-0).

6. **Discussion of Preliminary Working Draft HCP/NCCP released November 20, 2003** – Mr. Zippin and Mr. Kopchik provided a brief overview of the Draft HCP/NCCP. The key issues addressed in their presentation were: 1) the flexible permit area allows the permit area to grow and shrink as changes are implemented to the ULL by the land use planning agencies, 2) the conservation strategy includes ‘scalable’ land acquisition to match the permit area, 3) the preliminary costs for the plan in 2003 dollars is about \$300M and a methodology for funding is being evaluated, and 4) the implementation of the plan will be addressed in the implementation agreement.

7. **Administrative Matters**

- **Ratify Invoices Submitted by Jones and Stokes, Contra Costa County and Erica Fleishman and paid by the HCPA Treasurer** – Invoices were unanimously approved as presented (5-0).

8. **Consider Two Resolutions Requesting Funds from the U.S. Congress in Support of the HCPA Planning Effort in Partnership with Placer County, Sacramento County, Santa Clara County, Solano County, and Yolo County**

- a) **Request for \$3M to Support Individual Conservation Planning Efforts** – The EGC unanimously approved this item (5-0).

- e) **Request for \$2M Allocation to Support the USACOE Participation in the Regional Wetland Permitting Effort --** The EGC unanimously approved this item (5-0).

9. **Review Future Executive Governing Committee Discussion Items**

10. **Select Next Meeting Dates** The next meeting date was set for Thursday, April 8, 2004.

11. **Adjournment at approximately 6:50 p.m.**

**EAST CONTRA COSTA COUNTY  
HABITAT CONSERVATION PLAN ASSOCIATION (HCPA)  
EXECUTIVE GOVERNING COMMITTEE**

**DATE:** April 8, 2004  
**TO:** Executive Governing Committee (EGC)  
**FROM:** Member Agency Staff  
**SUBJECT:** Updates and status reports

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**RECOMMENDATION**

- 1) ACCEPT status report on the project, including work of the consultants, the public involvement program, the schedule and comments from the resources agency.

**FISCAL IMPACTS**

None.

**DISCUSSION**

**a) General update:** HCPA committees, staff, and consultants are working intensively to prepare for the next major HCPA milestone, the release of the formal Draft HCP / NCCP, the Draft EIR / EIS, the Draft Implementation Agreement and other related documents. Mid summer is the internal target for completing these documents, though regulatory agency staff have cautioned patience.

- **Work of consultants and products:** see attached quarterly report from Jones and Stokes
- **Wetlands:** As has been discussed in previous EGC meetings, integrating wetlands permitting into the HCP/NCCP has been a key recent focus, and we have been making increasingly significant process in this regard. This progress has occurred in two arenas: a) the four-county effort to raise awareness of integration opportunities with the regulatory agencies; and b) an individual effort to work with the Army Corps of Engineers to begin to shape a regional permit process for our area that will dovetail with the HCP. Prior reports have summarized the collective effort (item a), so this update is restricted to the effort specific to East Contra Costa.

Staff and our wetlands consulting team (within Jones and Stokes) have held several meetings with senior staff from the U.S. Army Corps of Engineers and the U.S. EPA to begin to define a feasible approach for our area. While it is too soon to say whether or not this effort will succeed and exactly what it will contain, a proposed approach is beginning to take shape. Some key aspects of the emerging proposal are described below:

- The Army Corps of Engineers would issue and hold a series of Regional General Permits, one for each type of activity to be covered (roads, urban development, etc.);

- A regional permit process document would synthesize the various General Permits and clearly document all permit conditions and mitigation requirements;
  - Individual applicants would obtain permit coverage directly from the Army Corps, not from the HCP Implementing Entity;
  - Individual applicants would be required to continue to delineate wetlands on a site-specific basis;
  - We would seek to create a single application form that could be submitted both to a city or the County for an HCP permit and to the Army Corps for a wetlands permit;
  - The intention is that wetlands permit terms and mitigation requirements and HCP permit terms and “mitigation” requirements would be similar if not identical;
  - The wetlands permit process would require stormwater quality certification from the Regional Board, something we are only beginning to explore, but if we were to obtain certification at even a program level, that could have streamlining advantages;
  - Because the USFWS would need to issue a biological opinion on the regional permit process, this approach may help integrate compliance with both Section 7 and 10 of the Endangered Species Act (Section 10 applies to non-federal projects; Section 7 applies to federal projects, including private projects in need of federal wetlands permits)
  - The wetlands permit process would probably need to be renewed every five years (unlike the HCP which will have a 30 year term);
  - Project consultants are in the process of adapting a successful regional permit process document from the Chicago area to our situation;
  - As a basis for issuing the permit, the Army Corps will require an analysis of the functions of wetland resources in the inventory, work that is now underway. This work will also assist with the watershed analysis we had planned as part of the NCCP Upgrade;
  - The best way to provide CEQA / NEPA coverage for these additional permits needs additional discussion and is a cost concern.
- **EIR / EIS:** A separate team within Jones and Stokes is working to complete initial draft materials related to the EIR / EIS. A Draft EIR / EIS is expected in midsummer. The HCPA will be the lead agency under CEQA. The USFWS will be the lead agency under NEPA.
  - **Implementation Agreement:** Resources Law Group are taking the lead in drafting an Implementation Agreement. A Draft Implementation Agreement will be part of the package of draft documents staff hopes to release in midsummer.
  - **Budget update:** Attached please find an updated financial summary and HCPA Budget. In the Budget, neither committed revenues nor estimated expenses have changed from the Budget approved by the EGC in October 2003. However, actual expenditures and revenues have been updated to reflect grant checks received and invoices paid. Cash flow remains a concern, though staff do not anticipate a need to delay release of the Draft HCP / NCCP and related documents for financial reasons.
  - **Schedule update:** The attached draft timeline/flowchart provides an updated general overview of the products and schedule from now to project completion. We are still



reviewing this schedule with the resource agencies who have indicated initially that the schedule may be optimistic.

**b) Update on the Public Outreach and Involvement Program:**

- **Web site:** <http://www.cocohcp.org>, is continuously updated to reflect meeting records, future scheduled meetings and agendas for all HCPA committees. The documents section of the website continues to include all major draft documents released to date, including the Working Draft HCP/NCCP. As mentioned previously, maps that are part of then Working Draft HCP/NCCP are now also available online.
- **HCPA Coordination Group:** The CG has met twice since the last EGC meeting. The agendas, and meeting records are available on the HCPA website. The recent meetings have focused on the HCP fee structure, covering rural infrastructure projects such as Vasco Road and Flood Control projects, and stakeholder written comments on the Working Draft HCP/NCCP.
- **Additional meetings attended and outreach performed:** Since the last EGC meeting, presentations have been made to the Contra Costa County Citizens' Land Alliance (Annual Land Use Symposium on February 28) and to the joint meeting of the East County Municipal Advisory Committees (April 3).
- **Plans for other public meetings and workshops:** Staff continues to be open to making presentations to public groups. Update reports to the HCPA land use planning agencies are in progress. Updates to the Clayton City Council and the County Board of Supervisors have been completed. An update to the Pittsburg City Council is planned for April 19 and updates to the Brentwood and Oakley City Councils are pending.

**c) Science Advisory Panel:** This body held its last meeting on December 9. Key topics included adaptive management and consideration of whether conservation priorities were appropriately reflected in the distinctions between the initial and maximum land acquisition strategies. A meeting report from this meeting as well as a composite report summarizing the outcomes of all meetings have been completed and are available on the website. The final composite report is included in this EGC packet. Dr. Erica Fleishman, the Panel facilitator, has been invited to attend the meeting and summarize the outcomes of the Science Advisory process for the EGC.

**d) State and Federal Resource Agencies' perspectives:** Agency representatives may be present and may wish to comment on the direction of the planning effort.





## Memorandum

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Date: March 30, 2004

To: East Contra Costa County HCP Association Executive Governing Committee  
c/o John Kopchik

cc:

From: David Zippin, Project Manager

Subject: **ECCCo. HCP/NCCP Status Report: December 29, 2003 to February 22, 2004**

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This is the ninth quarterly status report on our progress in completing a Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) for the East Contra Costa County Habitat Conservation Plan Association (HCPA). This status report provides a brief narrative summary of our accomplishments, a summary of the project's financial status, a list of accomplishments by task, a description of schedule changes, and a summary of next steps.

### Summary of Accomplishments

The major work completed during this period was the reviewing and processing of comments on the preliminary working draft HCP/NCCP (submitted in November 2003) and development of the administrative draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS). We have prepared for, attended, and presented at 2 Staff meetings, 2 Coordination Groups meetings, 7 additional meetings with stakeholders and agency staff, and 1 meeting with the U.S. Army Corps of Engineers.

### Financial Status

As of February 22, 2004, we have spent \$616,930 of our authorized contract of \$705,400. Under the EGC's approved budget we would spend almost an additional \$235,000 if funding becomes available, for a total potential contract value of just under \$940,000. If this full contract amount is funded, there would be approximately \$323,000 left in the budget to complete the project. Approximately \$100,000 of that amount is needed to complete the EIR/EIS. The remaining \$223,000 would be used to complete the HCP/NCCP and the regional wetlands permits.

March 30, 2004

Page 2

## **Accomplishments by Task**

This section lists our accomplishments by task for this status report period.

### **Task 1: Project Management and Meetings**

- Prepared for and attended 2 staff committee meetings
- Prepared for and attended 2 meetings of the HCPA Coordination Group
- Prepared 2 invoices and summary documents
- Prepared for and attended 6 meetings with stakeholders (environmental groups, developer interests, and regulatory agencies) to discuss project status and review their comments on the conservation strategy
- Prepared quarterly status report #8
- Tracked project schedule and budget closely with client

### **Task 2: Public Involvement**

- Posted new material on web site as requested by Agency staff
- Hosted web site for 2 months

### **Task 5: Economic Analysis**

- Technical analysis for preliminary working draft HCP/NCCP—3 memos for 2 Appendices (EPS)
- Reviewed and edited chapter 5 of HCP/NCCP (EPS) [work completed for November draft document but billed in December]

### **Task 6: HCP/NCCP**

- Reviewed and began processing comments on preliminary draft HCP/NCCP
- Conducted thorough literature citation cross-check on preliminary draft HCP for public draft HCP
- Revised planning survey conservation measures
- Coordinated work flow for all revisions to HCP/NCCP for public draft documentField visit and helicopter tour of inventory area with County, EBRPD, and DFG staff Jan. 22, visiting areas of interest to Science Panel, stakeholders, and agency staff (i.e., areas in which conservation strategy may change)
- Continued to develop case studies for HCPA Coordination Group meeting to illustrate HCP/NCCP and refine conservation measures
- Field visit on Jan. 23 to Sousa property holdings in Zone 5 with Jim Gwerder and County staff to refine conservation strategy in this key area
- Met with Developer representatives and DFG on Jan. 23 to discuss their comments on the preliminary draft HCP/NCCP and discuss possible revisions to address their concerns
- Began revisions to conservation strategy to clarify and simplify survey requirements in impact areas
- Reviewed early comments from agencies and stakeholders regarding the preliminary draft HCP/NCCP
- Assisted stakeholders and staff with their review of the draft document

March 30, 2004

Page 3

### **Task 7: EIR/EIS**

- Meeting with FWS on Jan. 21 regarding the EIS schedule and process
- Continued to coordinate EIR/EIS tasks and schedule with FWS and staff
- Continued to gather background material for EIR/EIS preparation
- Prepared preliminary drafts of chapters 1 and 2
- Began formulation of project alternatives
- Began preparing EIR/EIS sections
- Coordinated with HCPA staff in the formulation of project alternatives

### **Tasks 9 and 10: Wetlands Permitting**

- Met with USACE on Jan. 7 for regional HCP partners group
- Developed approach/method to wetlands inventory, classification, functional description based on information/guidance provided by ACOE during previous meetings
- Selected Deer Creek sub-basin as case study analysis for wetland inventory, classification, functional description
- Coordinated with County staff in developing Deer Creek detailed GIS maps for wetlands analysis
- Conducted field visit of Deer Creek, Horse Valley, and Sand Creek Wetlands in preparation of key meeting with ACOE/EPA staff on finalizing approach to wetland studies
- Continued researching relevant regional permits as references to Contra Costa situation
- Initiated drafting Permit outline for ACOE/EPA review

### **Schedule**

The administrative draft EIR/EIS will be completed by the middle of April 2004. The public draft HCP/NCCP will be ready by the time the EIR/EIS is finalized, but that will depend on how fast the U.S. Fish and Wildlife Service reviews the EIS. We expect both documents to be ready for public review in mid-July 2004. Then a mandatory 90-day public review period would begin.

### **Next Steps**

Remaining short-term work includes:

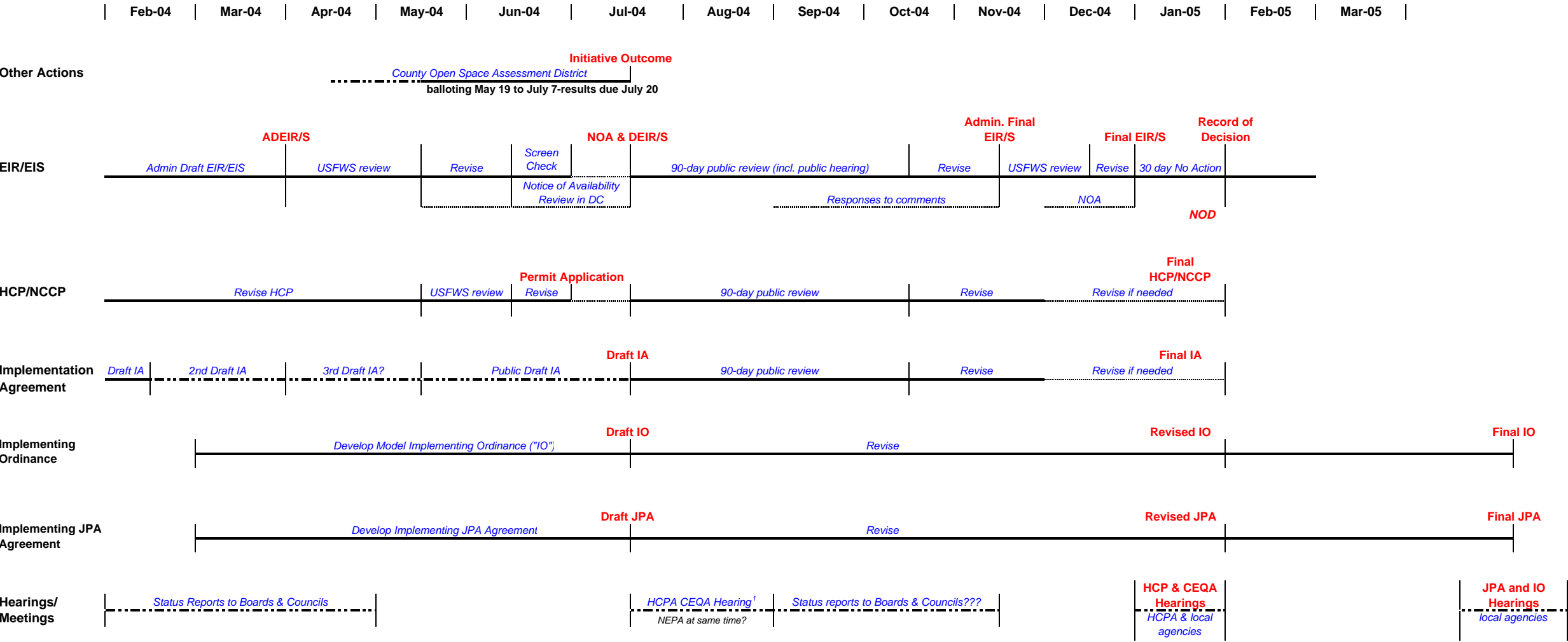
- Complete the administrative draft EIR/EIS
- Add additional covered species if additional funding is secured
- Incorporate all comments into the public draft HCP/NCCP
- Continue to work closely with the USACE to develop the regional wetlands permit
- Re-initiate discussions with RWQCB and CDFG regarding CWA Sect. 401 certification and programmatic streambed alteration agreements, respectively
- Continue to refine estimates of the cost of conservation strategy and the funding strategy to pay for it

March 30, 2004

Page 4

- Revise the land acquisition priorities to reflect the recommendations of regulatory agencies and the science panel

East Contra Costa County HCP/NCCP 2004 Schedule



## HABITAT CONSERVATION PLAN ASSOCIATION ACTIVITY SUMMARY

As of March 12, 2004

### TRUST 499300

11/25/2002	Opening Deposit - Transfer balance from CCWD	\$153,703.76	
12/12/2002	Transfer from PW Lowell Tunison, JV2195 12/5/02	\$100,000.00	
12/12/2002	Interest earnings from PW Lowell Tunison, JV2195 12/5/02	\$14,056.38	
3/18/2003	Transfer from LAIF Account DP402206 3/18/03	\$30,000.00	
4/14/2003	Transfer from Fish & Wildlife Propagation fund J/V4137 4/14/03	\$35,000.00	
7/10/2003	Transfer from LAIF Account DP408375 7/10/03	\$30,000.00	
9/24/2003	Dept of Fish & Game	\$109,451.70	
1/14/2004	Transfer from LAIF Account	\$100,000.00	
2/27/2004	Dept of Fish & Game	\$87,457.50	
<b>Total Deposits:</b>			<b>\$659,669.34</b>
12/10/2002	Jones & Stokes Oct 10, 02 invoice	\$8,600.97	
12/10/2002	Jones & Stokes Nov 08, 02 invoice	\$8,000.54	
12/10/2002	Erica Fleishman Dec1, 02 invoice	\$988.33	
1/7/2003	Jones & Stokes Dec 13, 02 invoice	\$18,340.14	
2/4/2003	Jones & Stokes Jan 15, 03 invoice	\$11,925.13	
2/5/2003	Transfer \$200,000 to LAIF account	\$200,000.00	
2/19/2003	SAP meeting payment B. Ertter	\$800.00	
2/19/2003	SAP meeting payment S. Orloff	\$800.00	
2/19/2003	SAP meeting payment B. Pavlik	\$800.00	
2/19/2003	SAP meeting payment L. Huntsinger	\$1,300.00	
3/17/2003	Erica Fleishman March1, 03 invoice	\$2,186.81	
4/10/2003	SAP meeting pmt, S. Terrill	\$400.00	
4/10/2003	SAP 2/26/03 meeting pmt, L. Huntsinger	\$1,300.00	
4/10/2003	SAP 2/26/03 meeting pmt, B. Pavlik	\$800.00	
4/10/2003	SAP 2/26/03 meeting pmt, IBIS S. Orloff	\$800.00	
4/10/2003	SAP 2/26/03 meeting pmt, B. Ertter	\$800.00	
4/10/2003	SAP 5/29/02 & 2/26/03 meeting pmts, A. Launer	\$1,600.00	
4/10/2003	Erica Fleishman April 1, 2003 invoice	\$937.50	
4/16/2003	Jones & Stokes 2/7/30 invoice	\$11,848.56	
4/16/2003	Jones & Stokes 2/10/03 Retainage invoice	\$18,194.70	
4/16/2003	Jones & Stokes 2/25/03 invoice	\$2,660.31	
5/15/2003	Jones & Stokes 3/13/03 & 4/10/03 invoices	\$9,536.90	
6/14/2003	Jones & Stokes 5/7/03 invoice	\$10,659.33	
6/18/2003	HCPA Institute for Ecology 6/5/03 invoice	\$1,500.00	
6/25/2003	Jones & Stokes 6/4/03 invoice	\$13,999.77	
9/3/2003	Jones & Stokes 7/15/03 & 8/8/03 invoices	\$24,972.66	
10/8/2003	Transfer \$50,000 to LAIF account	\$50,000.00	
11/17/2003	Jones & Stokes 9/10/03 and 10/3/03 invoices	\$60,293.36	
12/5/2003	Erica Fleishman 12/1/03 invoice	\$651.83	
1/14/2004	Jones & Stokes Retainage invoice 12/15/03	\$21,129.32	
1/14/2004	Erica Fleishman 1/1/04 invoice	\$2,266.03	
1/14/2004	E/C J&S invoice #16000 dated 9/10/03	\$4,614.98	
1/14/2004	Jones & Stokes 11/6/03 invoice	\$20,838.70	
1/14/2004	Jones & Stokes 12/8/03 invoice	\$30,248.02	
3/12/2004	J&S #17744 dated 1/15/04 and #17844 dated 2/5/04	\$41,643.77	
3/12/2004	RLG #1313 dated 11/20/03 and #1349 dated 1/16/04	\$11,325.00	
<b>Total Expenditures:</b>			<b>\$596,762.66</b>
<b><u>Balance 499300:</u></b>			<b><u>\$62,906.68</u></b>



**LAIF ACCOUNT**

2/5/2003	Transferred from Trust 499300	\$200,000.00	
4/15/2003	Interest	\$551.34	
7/15/2003	Interest	\$751.10	
10/9/2003	Transferred from Trust 499300	\$50,000.00	
10/15/2003	Interest	\$591.11	
1/15/2004	Interest	\$736.60	
	<b>Total Deposits:</b>		<b><u><u>\$252,630.15</u></u></b>
3/18/2003	Transferred \$30000 to Trust 499300	\$30,000.00	
7/10/2003	Transferred \$30000 to Trust 499300	\$30,000.00	
1/14/2004	Transferred \$100000 to Trust 499300	\$100,000.00	
	<b>Total Expenditures:</b>		<b><u><u>\$160,000.00</u></u></b>
	<b><u>Balance LAIF:</u></b>		<b><u><u>\$92,630.15</u></u></b>

## EAST CONTRA COSTA COUNTY HABITAT CONSERVATION PLAN ASSOCIATION

**Budget**

Approved on October 23, 2003

(actual expenditures and deposits have been updated from October version; updates since Jan-04 are shaded)

**REVENUE (Current)**

	<u>Approved</u>	<u>Deposited in HCPA account</u>
CCWD	\$325,000	\$325,000
Route 4 Bypass	\$114,056	\$114,056
City of Clayton	\$11,762	\$10,000
EPA Grant (Approved)	\$75,000	\$50,000
CCWD (FESA Map Transfer)	\$40,000	\$40,000
County Fish and Wildlife Committee	\$35,000	\$35,000
FWS/CDFG Section 6 Grants (approved)	\$347,040	\$196,909
<b>Total current revenue</b>	<b>\$947,858</b>	<b>\$770,965</b>

**EXPENSES (estimated and actual)**

	<u>Total estimated</u>	<u>Billed to date</u>
Jones & Stokes (Project Consultant)	\$925,536	\$600,467
County - Coordinating Agency	\$150,000	\$110,000 <sup>1</sup>
Independent Science Review (including J&S)	\$45,000	\$44,294
Legal support from Resources Law Group	\$66,500	\$11,325
Multi-county \$ request to Congress (IEH)	\$1,500	\$1,500
Business Expenses	\$4,600	\$0
<b>Total</b>	<b>\$1,193,136</b>	<b>\$767,586</b>
10% contingency reserve	+ \$119,314	
<b>Total estimated expenses + reserve</b>	<b>\$1,312,450</b>	
Current revenue	- \$947,858	
<b>Additional funding needs (total)</b>	<b>\$364,592</b>	
Reserve funds committed by CCWD <sup>2</sup>	- \$32,500	
<b>Additional funding needs(minus CCWD contrib.)</b>	<b>\$332,092</b>	
Non-CCWD portion of contingency reserve	- \$86,814	
<b>Additional funding needs (w/out reserve)</b>	<b>\$245,278</b>	
Optional task: additional covered species	- \$48,000	
<b>Additional funding needs (w/out optional task)</b>	<b>\$197,278</b>	

<sup>1</sup> Rough estimate only. County has not invoiced in many months to assist with cash flow balance.<sup>2</sup> Article 14 of the HCPA Agreement provides that, if outside funding cannot be found, CCWD will contribute half of contingency funds up to a maximum contribution of \$32,500 to the contingency reserve.

## **Fund Raising Strategy and Progress Update: Target = \$365,000**

Potential Source	Amount to be Requested	Internal projection	Background/Update	Dead-line	When may we know status?	When may we receive \$?
1) Six-County request to Congress for FY'05	\$500,000	\$0	Official requests submitted to Congressional representatives in February and March.	N/a	Sept. 2004	Spring 2005
3) Section 6 grant, FY04	\$300,000	\$240,000	Pre-proposal accepted. Invited to submit full proposal requesting \$300,000. Full proposal submitted in March to CDFG and USFWS.	March 2004	August 2004	Fall 2004
5) Development community (for enhanced permit coverage (additional covered species)(budget augmentation item #3)	Up to \$48,000	\$0 to \$20K	This request has been made of several representatives of the development community on several occasions. Staff to follow-up.	June 2004	June 2004	July 2004
6) CALFED Bay-Delta Program	\$300,000	300,000?	Working with Carl Wilcox and CCWD staff to explore this approach		??	
8) Farmland Conservancy Program (CA Dept. of Conservation)	\$50K	\$0	Planning is not their focus, but is possible. Farmland conservation, not habitat, is main priority. Deniz Tuncer has indicated this is not a good fit.	rolling	Fall/ Winter 2003	Spring/ Summer 2004
9) National Fish & Wildlife Foundation	\$50K	\$0 to \$50K	Rejected our pre-proposal previously, but indicated it was premature. They granted \$50K to South Sac HCP years ago.	?	?	?
10) Small local grants: East Bay Community Foundation, CA Trails and Greenways	?	\$0 to \$5K	Contributed \$1K to Biodiversity	?	?	?
11) SFRWQCB Supplemental Environmental Programs	N/a	\$0 to \$50K	When punishing violators, SFRWQCB requires contributions to environmental programs. No violations at moment, but HCP is on the list.	N/a	N/a	N/a
12) Potential mitigators like CCTA, USBR and SR4 Bypass Authority	N/a	\$0 to \$200K	Just like SR4 Bypass Authority for Phase 1 of that project. Phase 2? \$50,000 from a USBR mitigation program has been requested.	N/a	N/a	N/a
13) EBRPD	\$15K	\$0 to \$15K	EBRPD has offered to contribute \$15,000 to the effort if it can assume a more formal role in the planning process, such as a voting role on the EGC.	N/a	N/a	N/a

**EAST CONTRA COSTA COUNTY  
HABITAT CONSERVATION PLAN ASSOCIATION (HCPA)  
EXECUTIVE GOVERNING COMMITTEE**

**DATE:** April 8, 2004  
**TO:** Executive Governing Committee (EGC)  
**FROM:** Member Agency Staff  
**SUBJECT:** Jones and Stokes Contract (agenda item #5)

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**RECOMMENDATION**

- 1) Approve a contract amendment with Jones and Stokes to increase the overall contract limit from 705,400 to 942,000, consistent with the approved HCPA Budget, and to extend the term of the contract to June 30, 2005.
- 2) Authorize staff to incrementally increase the interim payment limit for the Jones and Stokes contract from \$705,400 to \$800,000, as sufficient funds are deposited in the HCPA account;

**DISCUSSION**

**Contract Amendment to Increase Overall Payment Limit for Jones and Stokes and Extend Term (item #1):** The overall payment limit on the Jones and Stokes contract is \$705,400. The Jones and Stokes contract has not been amended before and the contract limit remains at the initially specified level despite the budget augmentations approved in the past by the EGC. Now that billed expenditures are approaching the overall contract limit, it is the appropriate time to amend the contract to be consistent with the approved HCPA Budget. Staff recommends increasing the overall payment limit from \$705,400 to \$942,000, consistent with the approved HCPA Budget (the HCPA Budget estimates approximately \$926,000 in Jones and Stokes expenses, but the Science Panel was always been tracked as a separate budget item and it includes about \$16,000 of Jones and Stokes expenses;  $\$926,000 + \$16,000 = \$942,000$ ). This recommended contract amount would include the cost of adding new covered species to the HCP, a task that has only been conditionally authorized. Staff further recommend extending the term of the contract to June 30, 2005, the end of the 2004/05 fiscal year, a termination date which should allow adequate time for all work to be completed.

**Interim Payment Limit for Jones and Stokes (item #2):** The HCPA maintains interim payment limits on contracts to account for the fact that our project is not yet fully-funded. Interim payment limits ensure that consultants perform no work that cannot be paid for with existing funds. The EGC previously authorized staff to increase the Jones and Stokes interim payment limit to \$705,400. Staff recommends EGC authorization to increase this amount to \$800,000. Staff would raise the interim payment limit to the EGC-authorized maximum in intervals as funds are deposited to the HCPA account. Such authorization is requested because, with work now underway on the EIR/EIS, the formal DRAFT HCP/NCCP, and the wetlands permit application, it is possible the current \$705,400 threshold could be reached in the next several months.



**EAST CONTRA COSTA COUNTY  
HABITAT CONSERVATION PLAN ASSOCIATION (HCPA)  
EXECUTIVE GOVERNING COMMITTEE**

**DATE:** April 8, 2004  
**TO:** Executive Governing Committee (EGC)  
**FROM:** Member Agency Staff  
**SUBJECT:** Preparation of Joint EIR/EIS for the HCP/NCCP (agenda item #6)

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**RECOMMENDATION**

- 1) Review “Statement of Responsibilities Regarding the Preparation of a Joint EIR/EIS for the HCP/NCCP” (referred to as Statement of Responsibilities) needed by the U.S. Fish and Wildlife Service regarding the sharing of a consultant for the EIS.
- 2) Authorize staff to sign the Statement of Responsibilities.

**FISCAL IMPACTS**

None.

**DISCUSSION**

The HCPA has been in consultation with the U.S. Fish and Wildlife Service (USFWS) throughout the process of developing the HCP. Approval of the Habitat Conservation Plan (HCP) requires compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy act (NEPA).

The HCPA and the USFWS have agreed that a joint Environmental Impact Report / Environmental Impact Statement (EIR/EIS) is the appropriate and preferred document to fulfill obligations under NEPA and CEQA. The USFWS requires the execution of a Statement of Responsibilities to outline the terms and conditions for the joint preparation of the EIR/EIS with support from Jones and Stokes.



**STATEMENT OF RESPONSIBILITIES  
REGARDING PREPARATION OF JOINT EIR/EIS  
FOR THE EAST CONTRA COSTA COUNTY HCP/NCCP**

**A. Purpose**

1. THIS STATEMENT OF RESPONSIBILITIES (Agreement) is between East Contra Costa County HCP Association, hereinafter referred to as "HCP Association", the United States Fish and Wildlife Service "USFWS" and Jones and Stokes Associates, hereinafter referred to as "Contractor." The HCP Association and USFWS, are hereinafter referred to collectively as the "Lead Agencies."

2. The HCP Association is developing a Habitat Conservation Plan in East Contra Costa County and intends to apply to the USFWS for permits under Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (ESA), and to the California Department of Fish and Game (CDFG) for a permit under Section 2835 of the California Fish and Game Code.

3. The HCP Association, in consultation with CDFG, has determined that an Environmental Impact Report (EIR) must be prepared pursuant to the California Environmental Quality Act (CEQA). This process is necessary to determine what measures are necessary to avoid and/or reduce significant impacts. CDFG will act as a Responsible Agency under CEQA when it issues a permit. CDFG is also a Trustee Agency (CEQA guideline 15386A) with jurisdiction over biological resources, and is responsible for reviewing and commenting on the EIR.

4. The USFWS has determined that an Environment Impact Statement (EIS) must be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) (NEPA). This process is necessary prior to making a decision on the Section 10 permit action for the East Contra Costa County HCP, in accordance with 50 CFR parts 13, 17.22, 17.32, and 222.307. The EIS must comply with all provisions of NEPA and all implementing regulations for both federal agencies.

5. An EIS can be prepared by the USFWS or a consultant acting under the direction of the USFWS in accordance with 40 CFR 1506.5(c) and 516 DM 6, Appendix 1.3. When a consultant prepares an EIS, the consultant shall prepare a disclosure statement for inclusion in the draft and final EIS to ensure the avoidance of any conflict of interest.

6. The Lead Agencies have agreed that a joint EIR/EIS is the appropriate and preferred document for the East Contra Costa County HCP. The EIR/EIS is a combination document allowable under California Fish and Game Code 2800 et. seq and 40 CFR 1506.2 and 1506.4 that will satisfy CEQA requirements for a Natural Community Conservation Plan (NCCP)/HCP and NEPA requirements for the HCP,



respectively. The joint EIR/EIS will be prepared by the Contractor, a consultant specifically chosen by the HCP Association in consultation with CDFG and USFWS.

7. The Contractor reports directly to the HCP Association and the Chief of the Conservation Planning and Recovery Division of USFWS. The requirements of 40 CFR 1506.5(c) relating to conflicts of interest must be followed.

8. The Lead Agencies require services for the preparation of the East Contra Costa County HCP/NCCP EIR/EIS; and the Contractor is willing to perform these services pursuant to the terms and conditions set out in this Agreement.

9. It is the purpose of this Agreement to establish an understanding between the parties regarding the procedures to be followed and the responsibilities of the parties in the preparation of the joint EIR/EIS.

#### B. Requirements for Preparation of the Joint EIR/EIS

1. General Requirements. A number of requirements are set forth in 40 CFR 1500-1508, Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA relating to USFWS compliance with NEPA for their own actions. Additional requirements are set forth in 516 DM 1-6, Department of the Interior's (Departmental) Manual, 032 FW 5, Fish and Wildlife Service Manual, and 550 FW 1-2, relating to USFWS compliance with NEPA for its own actions, including the preparation of a joint permit EIR/EIS by a consultant chosen by the Lead Agencies. The parties agree to satisfy each of these requirements as set forth below.

2. Control of Contractor. Contractor agrees to report directly to the HCP Association and USFWS concurrently, such that all are provided draft and final materials at the same time. Although the Consultant will be paid by the Applicant, the HCP Association in this case, Contractor is obligated to follow the directions of the USFWS with regard to NEPA. The USFWS shall make the final determination on the inclusion or deletion of any material in the EIR/EIS for purposes of satisfying NEPA requirements. The HCP Association shall make the final determination on the inclusion or deletion of any material in the EIR/EIS for purposes of satisfying CEQA requirements. The USFWS are ultimately responsible for assuring compliance with the requirements of NEPA. The HCP Association is ultimately responsible for assuring compliance with the requirements of CEQA. Where a disagreement on inclusion of material exists between the HCP Association and the USFWS, due to differences in the requirements between CEQA and NEPA, the material shall be included, with an explanation of the differing requirements for inclusion. The HCP Association agrees to enter into an Agreement for Professional Services (Contractor Agreement) with the Contractor that is consistent with the terms of this Agreement. The Contractor Agreement will specify work tasks and deliverables to complete the EIR/EIS.

3. Disclosure Statement. Contractor cannot have a financial or economic

interest in the outcome of the Project. Contractor agrees to execute the Disclosure Statement attached hereto as Attachment.

4. Payment of Contractor. The HCP Association agrees to pay Contractor for all services rendered in the preparation of the EIS/EIR. Contractor agrees that the USFWS is not obligated in any manner to pay for the services rendered by Contractor in relation to the Project. The Lead Agencies will jointly authorize changes in the scope of work. The HCP Association will pay any additional costs for changes in the scope of work.

5. Scope of Joint EIR/EIS. The general scope of the EIR/EIS will be determined through the scoping process. This scope may be amended from time to time in order to better satisfy the requirements under CEQA and/or NEPA and their implementing regulations. Contractor will be responsible for organizing public meetings, compiling scoping comments and providing scoping updates to the Lead Agencies. The USFWS will coordinate with the HCP Association regarding changes in scope.

6. Schedule of EIR/EIS Preparation. The anticipated schedule for the preparation of the EIR/EIS will be set forth in coordination with all parties. The parties agree to use their best efforts to meet this schedule. The schedule may be revised from time to time as necessary to reflect changes in conditions and requirements.

7. Draft EIR/EIS. Contractor will have the primary responsibility for writing and revising the EIR/EIS at the direction of the Lead Agencies. The Lead Agencies will be given the opportunity to comment on and make changes to the EIR/EIS at agreed upon stages of its development and completion as set forth in the Schedule of EIR/EIS Preparation described in section (B)6 above. The requirements for production of the Administrative Drafts, Draft, and Final EIR/EIS and deliverables are specified in the Contractor Agreement. The Contractor will be responsible for providing sufficient copies of the documents on a timely basis to meet the Lead Agencies' circulation requirements. The USFWS will be responsible for filing the draft EIR/EIS with the Environmental Protection Agency (EPA) for publication of its Notice of Availability in the Federal Register. The HCP Association will be responsible for filing the draft with the State Clearinghouse.

8. Public Meetings and Comments. The Contractor will be responsible for compiling all public comments. Upon completion of the Draft EIR/EIS, the Contractor will be responsible for organizing any necessary public meetings and/or hearings. The Lead Agencies will receive all comments on the draft EIR/EIS resulting from public review and comment period(s), and will refer them to the Contractor for development of responses. The Contractor will be responsible for drafting initial responses to public comments.

9. Final EIR/EIS. After the close of the draft EIR/EIS review and comment period, the Lead Agencies will identify the issues and comments that will require

response in the final EIR/EIS. The Lead Agencies will refer to Contractor these comments for analysis and reply. The Lead Agencies will determine the necessary modifications to the draft EIR/EIS. The Contractor will incorporate the comments, responses and modifications into the final EIR/EIS. The Lead Agencies will review the completed document and file the final EIR/EIS with EPA and the State Clearinghouse.

10. Decision. Not less than 30 days after the final EIR/EIS is filed with the EPA, the USFWS will prepare a Record of Decision (ROD) and render a decision on the permit application. The HCP Association will certify the final EIR/EIS and then file a Notice of Determination.

C. Termination and Modifications

1. This Agreement remains in effect until a decision is made on the Section 10(a)(1)(b) permit and the Section 2835 permit, or until the permit requests are withdrawn.

2. Any party may terminate this Agreement at any time by giving written notice to the other parties.

3. This Agreement may be modified or amended only by written instrument signed by all of the parties hereto.

D. Notice

Any notice or communication that any party desires or is required to give to the others shall be in writing and be served personally or sent by first class mail, postage prepaid, addressed as follows:

HCP Association: East Contra Costa County HCP Association  
c/o Contra Costa County - Community Development  
Department  
651 Pine Street, North Wing, 4<sup>th</sup> Floor  
Martinez, CA 94553  
Attn: John Kopchik

USFWS: U.S. Fish and Wildlife Service  
2800 Cottage Way, W-2605  
Sacramento, CA 95825  
Attn: Chief, Division of Conservation Planning & Recovery

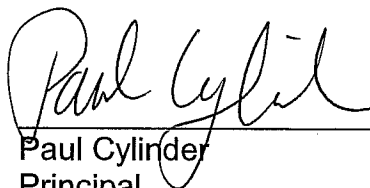
CONTRACTOR: Jones and Stokes Associates  
2600 V Street  
Sacramento, CA 95818  
Attn: Paul Cylinder

The parties have executed this Agreement on Friday, March 18, 2004. If the Contractor is a corporation, documentation must be provided that the person signing below for the Contractor has the authority to do so.

EAST CONTRA COSTA HCP ASSOCIATION

By: \_\_\_\_\_  
John Kopchik  
Contra Costa County

JONES & STOKES

By:  \_\_\_\_\_  
Paul Cylinder  
Principal

UNITED STATES FISH AND WILDLIFE SERVICE

By: \_\_\_\_\_  
Wayne S. White  
Field Supervisor



**EAST CONTRA COSTA COUNTY  
HABITAT CONSERVATION PLAN ASSOCIATION (HCPA)  
EXECUTIVE GOVERNING COMMITTEE**

**DATE:** April 8, 2004  
**TO:** Executive Governing Committee (EGC)  
**FROM:** Member Agency Staff  
**SUBJECT:** Policy Discussion

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**RECOMMENDATION**

- Accept overview report from HCPA Member Agency staff on a variety of key policy issues related to the HCP / NCCP

**DISCUSSION**

**Overview of the array of major products that will come out of the HCPA planning process:**

As the HCPA approaches the final phase of the planning process, Member Agency staff felt it was important to provide the EGC with an overview of the various documents that will result from the conservation planning process and to discuss the timing of the decision-making process as it relates to these documents. The 11x17 color timeline provided in the packet and also discussed under agenda item #4 explains the proposed schedule for finalizing and approving these documents.

- a) HCP / NCCP  
The HCP/NCCP document is the integral component of planning process, providing both the background information for the planning process as well as the “plan” itself.
- b) EIR / EIS  
The EIR/EIS document is required for compliance with NEPA and CEQA. The document examines the proposed plan as well as alternatives to the plan. The HCPA will be the lead agency under CEQA. The USFWS will be the lead agency under NEPA. The Final EIR/EIS will include responses to comments submitted on the Draft EIR/EIS. The EIR/EIS will provide CEQA/NEPA compliance for USFWS, CDFG, the HCPA, and permittees. CEQA/NEPA coverage on the wetlands permit program requires additional discussion.
- c) Implementing Agreement (IA)  
The Implementing Agreement will outline the specific responsibilities and obligations of the different parties in implementing the HCP/NCCP. Though it will largely reference the HCP/NCCP, some key provisions of the plan will be memorialized in the IA. The IA shall be the controlling document in such cases. The IA will need to be signed by CDFG, USFWS, permittees (cities and the County and potentially special districts), and possibly by the Implementing Entity (a JPA).

- d) Implementing Ordinances template  
Land use planning agencies that adopt the HCP will need to enact an ordinance to establish the HCP fee structure and formalize their role in implementing the HCP. Staff recommend attaching a template for these ordinances to the HCP for informational purposes.
- e) Joint Powers Authority Agreement for Implementing Entity (will not be a formal part of the HCP but local agencies will need to adopt or amend JPA agreement before using permit)  
The Joint Powers Authority Agreement will establish the relationship and responsibilities of the local participating agencies to the HCP, thereby creating the Implementing Entity for the HCP. Land use planning agencies and other permittees would be part of the JPA and other relevant Special Districts could be as well. The existing HCPA agreement could be amended for this purpose or a new agreement could be crafted.
- f) Draft Regional Wetlands Permit Program document (will not be a formal part of the HCP and local agencies will not have to adopt it, but it may be part of the package of documents for informational purposes)  
The Draft Regional Wetlands Permit Program document will outline the actions necessary to receive coverage under an array of Regional General Permits issued by the U.S. Army Corps of Engineers (see agenda item #4 for more information).

**Decision-making process and draft schedule:** See attached 11x17 schedule.

**Update on options for tiering the HCP/NCCP fees:** The earlier economic analysis for the HCPA established two alternative scenarios for distributing the costs of implementing the HCP between new development and other sources. That analysis estimated an average fee but stopped short of suggesting a specific fee structure. The question of whether the fee on new development should be equal for all developments or should be tiered base on other factors is a key remaining aspect of the planning process. The Coordination Group initiate this discussion at its March meeting, and staff felt it was important to provide the EGC with a preview of the issues being discussed and to receive any initial policy guidance from the EGC on this matter.

The Coordination Group reviewed fee structures used by San Joaquin, Natomas, Bakersfield, and Kern County (proposed, not adopted) HCPs. They discussed various strategies for tiering fees in the HCP. In an open brain-storming session the group discussed the pros and cons for tiering the fee and various methods for tiering. Should a tiered structure be preferred, the Coordination Group identified the following alternative approaches for tiering fees. Some alternatives could be combined with other alternatives while others should only be partially combined:

a) Tier Fees according to the type of landcover to be impacted. Some landcover types to consider for a distinct fee level are:

- Waters of State and of the U.S.: all ponds, creeks, wetlands, drainages, etc.
- Ag/crop/irrigated and pasture
- Non-alkali natural features: grassland, woodland, scrub
- Alkali features (because they are rare and can't be re-create)

Thoughts: Ruderal would be difficult to assign to a category. More attention is needed on this. An aerial photo taken at the time of plan completion would be needed to set a baseline so that the tiered structure didn't have unintended consequences (San Joaquin did this). Concern was expressed that recreational properties such as stables would be difficult to classify and that it might be difficult to administer such an approach because there could be significant debate with each potential customer about what fee they should pay.

b) Tier fees according to geographic considerations. Some considerations would be:

Parcel size?

City limits/ULL (i.e. charge more outside of present ULL or City Limits)

Context of development (is it surrounded by development already on 3 or 4 sides? Was it surrounded at the time the Plan was completed?)

Use fee zones to classify fee areas based on general landcover types and conservation context (in other words, rather than determine fee levels case by case, classify the landscape according to general landcover conditions and relationship to conservation objectives; exceptions might still be needed for wetlands and other special features)

c) Tier fee by type Impact/Activity. Some distinct classes of impact and activity identified were:

Linear: these projects may impacts greater than the size of their footprint (i.e. fragmentation caused by a road)

Temporal: are the impacts temporary? Two subcategories were suggested:  
one-time (i.e. pipeline installation)  
periodic (maintenance activities)

**Proposed countywide open space funding measure and relationship to HCP/NCCP:**

Included in the packets please find background information on the proposed Open Space Funding Measure, including the 35-page Framework Document summarizing the proposal (a Benefit Assessment District) and an 11x17 color map summarizing the proposed funding allocations. The Open Space Funding Measure has been under development by an Advisory Committee to the County for the past four years. The County Board of Supervisors has declared its intent to partner with the East Bay Regional Park District to ask property owners in the County to approve the annual assessments. If approved these assessments could generate about \$8M per year (or approximately \$175M over the 30 year life of the measure in today's dollars) to purchase and maintain open space, parks, and agricultural land. A mail out ballot process could commence in early June.

The Open Space Measure does have some bearing on the HCP. Approximately \$40M of proposed expenditures under the Open Space Measure are consistent with conservation actions planned under the HCP. The economic analysis performed for the HCP reflects this potential contribution. Without passage of the Open Space Measure, the HCP would have to raise fees on development (if the HCPA chose funding scenario 1) or face an even larger funding gap (if the HCPA chose funding scenario 1).



**EAST CONTRA COSTA COUNTY  
HABITAT CONSERVATION PLAN ASSOCIATION (HCPA)  
EXECUTIVE GOVERNING COMMITTEE**

**DATE:** April 8, 2004  
**TO:** Executive Governing Committee (EGC)  
**FROM:** Member Agency Staff  
**SUBJECT:** Administrative matters

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**RECOMMENDATION**

1) RATIFY three recent invoices from Jones and Stokes, two from Resources Law Group, and two from Science Panel Facilitator Erica Fleishman.

**DISCUSSION**

The HCPA Joint Powers Agreement authorizes the HCPA Treasurer to pay consultant invoices upon receiving approval from HCPA Coordinating Agency staff. The Treasurer pays invoices submitted by Contra Costa County upon approval by member agency staff. The HCPA Joint Powers Agreement further provides that such invoices, following staff review and payment by the Treasurer, shall be provided to the EGC for final review and ratification. The purpose of this arrangement is to afford the EGC a maximum possible degree of oversight while also enabling the HCPA to meet its obligations to consultants for payment of invoices within 60 days.

The attached three recent invoices from Jones and Stokes, two from Resources Law Group, and two from Science Panel Facilitator Erica Fleishman have been reviewed and approved for payment by Coordinating Agency staff.

Attachments to this memo not included in web version of this meeting packet.
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